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October 2, 2006

\* ADMITTED IN N.Y. ONLY

Magistrate Judge Kiyo A. Matsumoto  
United States Magistrate Judge  
United States Court House  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Weiss et al. v. National Westminster Bank Plc, (05-CV-4622) (CPS) (KAM)*

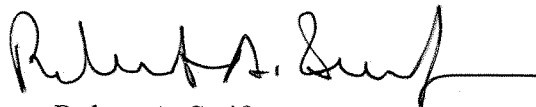
Dear Judge Matsumoto:

I am one of the plaintiffs' counsel in the above matter and write pursuant to the proposal I made at the September 11, 2006 Conference regarding resolution of the banking secrecy issues raised by Defendant.

As a preliminary matter, your Honor is probably aware that on September 27, 2006 Judge Sifton entered his 51 page Opinion in *Weiss* denying Defendant's Motion to Dismiss. Plaintiffs believe it appropriate now for the Court to open discovery generally.

At the September 11 Conference the Court approved a briefing schedule for resolution of the British banking secrecy issue interposed by Defendant in response to discovery from Plaintiffs. Based on Mr. Friedman's representations to the Court, InterPal was notified by Defendant in mid-July of a request for waiver of British banking secrecy as regards records maintained by Defendant. No definitive response has been forthcoming after 75 days. So that Plaintiffs may file their Motion on October 11 in accordance with the schedule fixed by your Honor, Plaintiffs request entry of the attached Order which deems InterPal to have refused waiver of British banking secrecy.

Respectfully yours,



Robert A. Swift

RAS/yr

Cc w/enc.: Lawrence Friedman, Esq.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

TZVI WEISS, et al.,

Plaintiffs,

-against-

NATIONAL WESTMINSTER BANK, PLC:

Defendant.

05 CV 4622 (CPS) (KAM)

## ORDER

AND NOW, this                      day of October, 2006, it appearing that Defendant notified nonparty InterPal in mid-July requesting that it consent to waiver of British banking secrecy as to certain of its banking records in the custody of Defendant and that InterPal has given no response, it is hereby ORDERED pursuant to Federal Rule of Evidence 104 that if no response is received from InterPal by October 9, 2006, the Court shall deem InterPal to have refused consent.

BY THE COURT:

United States Magistrate Judge